

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CIRBA INC. (d/b/a DENSIFY)
and CIRBA IP, INC.,

Plaintiffs,

v.

VMWARE, INC.,

Defendant.

Civil Action No. 1:19-cv-00742-LPS

JURY TRIAL DEMANDED

PLAINTIFFS' PROPOSED VERDICT FORM

INFRINGEMENT OF U.S. PATENT NO. 8,209,687

Question No. 1:

Has Densify proven, by a preponderance of the evidence, that VMware has literally infringed any of the following claims of the '687 patent?

"Yes" is a finding for Densify. "No" is a finding for VMware.

Claim 3	Yes _____	No _____
Claim 7	Yes _____	No _____

Question No. 2:

Has Densify proven, by a preponderance of the evidence, that VMware has induced the infringement of any of the following claims of the '687 patent?

"Yes" is a finding for Densify. "No" is a finding for VMware.

Claim 3	Yes _____	No _____
Claim 7	Yes _____	No _____

Question No. 3:

If you have found that VMware infringed at least one claim of Densify's '687 patent, do you find that VMware's infringement of the '687 patent was willful?

Check one:

<input type="checkbox"/>	Yes (Willful)
<input type="checkbox"/>	No (Not Willful)

INFRINGEMENT OF U.S. PATENT NO. 9,654,367**Question No. 4:**

Do you find that Densify has proven, by a preponderance of the evidence, that VMware has literally infringed any of the following claims of the '367 patent?

"Yes" is a finding for Densify. "No" is a finding for VMware.

Claim 1	Yes _____ No _____
Claim 2	Yes _____ No _____
Claim 4	Yes _____ No _____
Claim 5	Yes _____ No _____
Claim 9	Yes _____ No _____
Claim 11	Yes _____ No _____

Claim 13	Yes _____ No _____
Claim 15	Yes _____ No _____
Claim 16	Yes _____ No _____
Claim 17	Yes _____ No _____
Claim 19	Yes _____ No _____

Question No. 5:

Do you find that Densify has proven, by a preponderance of the evidence, that VMware has induced the infringement of any of the following claims of the '367 patent?

“Yes” is a finding for Densify. “No” is a finding for VMware.

Claim 1	Yes _____ No _____
Claim 2	Yes _____ No _____
Claim 4	Yes _____ No _____
Claim 5	Yes _____ No _____
Claim 9	Yes _____ No _____
Claim 11	Yes _____ No _____

Claim 13	Yes _____ No _____
Claim 15	Yes _____ No _____
Claim 16	Yes _____ No _____
Claim 17	Yes _____ No _____
Claim 19	Yes _____ No _____

Question No. 6:

If you have found that VMware infringed at least one claim of Densify’s ‘367 patent, do you find that VMware’s infringement of the ‘367 patent was willful?

Check one:

_____	Yes (Willful)
_____	No (Not Willful)

VALIDITY OF DENSIFY’S U.S. PATENT NO. 8,209,687

Question No. 7:

Has VMware proven by clear and convincing evidence that any of the following claims of the ‘687 patent is invalid as anticipated?

“Yes” is a finding for VMware. “No” is a finding for Densify.

Claim 3	Yes _____ No _____
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Claim 7	Yes _____ No _____
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Question No. 8:

Has VMware proven by clear and convincing evidence that any of the following claims of the '687 patent is invalid because the claimed subject matter would have been obvious to a person of ordinary skill in the art at the time of the claimed invention?

“Yes” is a finding for VMware. “No” is a finding for Densify.

Claim 3	Yes _____ No _____
Claim 7	Yes _____ No _____

VALIDITY OF DENSIFY’S U.S. PATENT NO. 8,209,367**Question No. 9:**

Has VMware proven by clear and convincing evidence that any of the following claims of the '367 patent is invalid as anticipated?

“Yes” is a finding for VMware. “No” is a finding for Densify.

Claim 1	Yes _____ No _____
Claim 2	Yes _____ No _____
Claim 4	Yes _____ No _____
Claim 5	Yes _____ No _____
Claim 9	Yes _____ No _____
Claim 11	Yes _____ No _____

Claim 13	Yes _____ No _____
Claim 15	Yes _____ No _____
Claim 16	Yes _____ No _____
Claim 17	Yes _____ No _____
Claim 19	Yes _____ No _____

Question No. 10:

Has VMware proven by clear and convincing evidence that any of the following claims of the '367 patent is invalid because the claimed subject matter would have been obvious to a person of ordinary skill in the art at the time of the claimed invention?

“Yes” is a finding for VMware. “No” is a finding for Densify.

Claim 1	Yes _____ No _____
Claim 2	Yes _____ No _____
Claim 4	Yes _____ No _____
Claim 5	Yes _____ No _____
Claim 9	Yes _____ No _____
Claim 11	Yes _____ No _____

Claim 13	Yes _____ No _____
Claim 15	Yes _____ No _____
Claim 16	Yes _____ No _____
Claim 17	Yes _____ No _____
Claim 19	Yes _____ No _____

UNFAIR COMPETITION (Infringement of Unregistered Trademark)**Question No. 11:**

Do you find that Densify has proven by a preponderance of the evidence that VMware has committed unfair competition by infringing Densify's unregistered trademarks?

“Yes” is a finding for Densify. “No” is a finding for VMware.

Yes _____ No _____

DELAWARE DECEPTIVE TRADE PRACTICES ACT

Question No. 12:

Do you find that Densify has proven by a preponderance of the evidence that VMware engaged in a deceptive trade practice against Densify?

“Yes” is a finding for Densify. “No” is a finding for VMware.

Yes _____ No _____

COMMON LAW TRADEMARK INFRINGEMENT

Question No. 13:

Do you find that Densify has proven by a preponderance of the evidence that VMware infringes Densify’s common law trademark rights?

“Yes” is a finding for Densify. “No” is a finding for VMware.

Yes _____ No _____

DAMAGES

The ‘687 Patent

Question No. 14:

If you have found that VMware infringed at least one valid claim of Densify’s ‘687 patent, what is the dollar amount Densify has proven it is entitled to as a reasonable royalty for past infringement?

Answer in dollars and cents.

Answer: _____

Question No. 15:

If you have found that VMware infringed at least one valid claim of Densify's '687 patent, what is the dollar amount Densify has proven it is entitled to as lost profits for past infringement?

Answer in dollars and cents.

Answer: _____

The '367 Patent

Question No. 16:

If you have found that VMware infringed at least one valid claim of Densify's '367 patent, what is the dollar amount Densify has proven it is entitled to as a reasonable royalty for past infringement?

Answer in dollars and cents.

Answer: _____

Question No. 17:

If you have found that VMware infringed at least one valid claim of Densify's '367 patent, what is the dollar amount Densify has proven it is entitled to as lost profits for past infringement?

Answer in dollars and cents.

Answer: _____

Unfair Competition

Question No. 18:

If you have found that VMware committed unfair competition (infringement of Densify's unregistered trademark), what is the dollar amount of damages Densify has proven?

Answer in dollars and cents.

Answer: _____

Trademark Infringement

Question No. 19:

If you have found that VMware committed common law trademark infringement, what is the dollar amount of damages Densify has proven?

Answer in dollars and cents.

Answer: _____

Answer no further questions.